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10  
11 IN THE UNITED STATES DISTRICT COURT  
12 FOR THE NORTHERN DISTRICT OF CALIFORNIA  
13 SAN FRANCISCO DIVISION

14 **HENRY LEE TOWNSEND,**

Petitioner,

C 07-4904 PJH (PR)

**ANSWER**

15  
16 **v.**

17 **DERRAL ADAMS, Warden,**

18  
19 Respondent.

20  
21 Respondent provides this answer to the petition for writ of habeas corpus.

22 **I.**

23 **CUSTODY**

24 Petitioner is lawfully in state custody pursuant to a valid judgment and commitment  
25 entered March 24, 2006 in Santa Clara County Superior Court case number CC 465996, upon his  
26 conviction, following a jury trial, of receiving stolen property and using a stolen access card. The  
27 court found true prior strike convictions for robbery and first degree burglary. The court sentenced  
28 petitioner to 25 years to life under the Three Strikes law. Exh. A, p.1.

Answer

*Townsend v. Adams, Warden*  
C 07-4904 PJH (PR)

1 **II.**

2 **EXHAUSTION**

3 Petitioner exhausted his claims of instructional error and improper failure to limit or  
4 sanitize impeachment evidence by presenting them to the California Supreme Court in a petition for  
5 review.

6 **III.**

7 **DENIAL**

8 There is no merit to petitioner's claims that (1) the trial court's use of CALJIC No. 2.15,  
9 which allows an inference of guilt from possession of stolen property and slight corroborating  
10 evidence, violated due process; and (2) due process was violated when the trial court allowed him  
11 to be impeached by his prior convictions without limiting the number that could be used, and failed  
12 to sanitize the conviction for robbery with firearm use.

13 **IV.**

14 **TIMELINESS**

15 The petition is timely.

16 **V.**

17 **RECORDS**

18 We submit herewith transcripts of the state trial and other pertinent records as described  
19 in the accompanying Index to Exhibits.  
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28

**CONCLUSION**

Respondent respectfully requests that the petition be denied, the order to show cause discharged, and these proceeding dismissed.

Dated: May 27, 2008

Respectfully submitted,

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